IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CRIMINAL APPLICATION NO. 78 OF 2006
IN
CRIMINAL APPEAL NO.747 OF 2005

Bapu Ramchandra Shinde .. Applicant

Vs.

The State of Maharashtra & Anr. .. Respondents

Ms. Smita Mane h/f Mr. P.B. Shah for applicant.
Mr. K.V. Saste, APP for State.

CORAM : B. H. MARLAPALLE &
SMT. R.S. DALVI,JJ.

Date : February 01, 2006.

P.C.:

1. Heard the learned counsel for the applicant who has been convicted and sentenced for an offence punishable under Section 302 of IPC by the learned 2nd Ad-hoc Additional Sessions Judge at Kalyan in Sessions Case No.228 of 2004. The said order dated 116/7/2005 has been challenged in Criminal Appeal No.747 of 2005, which has been admitted by this court and hence this application for being released on bail.

2. As per the prosecution case the applicant set his wife Jayabai on fire by pouring kerosene in the midnight of 20/4/2004 and ran away. The prosecution

examined in all 12 witnesses and in addition to the two dying declarations at Exh.32 and Exh.14 recorded by the I.O. (PW 11) and the Special Executive Officer (PW 1) respectively, the trial court has considered the dying declaration made to P.W.2 Subhash Kanse who is the maternal uncle of the deceased and was staying in the neighourhood.

3. Having considered the reasoning set out by the trial court in support of the order of conviction, we are satisfied that there is no case made out to suspend the order of sentence and release the applicant on bail under Section 389 of Cr.P.C.

4. The application is, therefore, rejected. The applicant may apply for early hearing of the appeal as soon as the paper book is ready.

(Smt.R.S. Dalvi,J.) **(B.H. Marlapalle, J.)**